

U.S.S.N. 09/465,436
Group Art Unit: 2172

AMENDMENTS TO THE CLAIMS

1. (Previously presented) A process for storing data, comprising
providing a back up server having storage for a plurality of data files,
providing a long term memory device having a plurality of data storage elements and a
processor for coordinating the operation of the plurality of data storage elements,
directing the processor to store data on the data storage elements and record a time signal
representative of the time of storing data,
detecting a condition representative of each data storage element having reached a data
storage capacity,
based on the condition, directing the processor to compare the time signals for each data
storage element, and
based on the time signal comparison, directing the processor to store data on the data
storage element having the earliest recorded data.
2. (Original) A process according to claim 1, wherein the long term memory device includes a
tape library system having a plurality of drive elements.
3. (Previously presented) A process according to claim 2, wherein the tape library includes a
robotic controller for moving tapes in and out of a tape drive system.
4. (Previously presented) A process according to claim 1, wherein the long term memory
device includes a RAID storage system.

U.S.S.N. 09/465,436
Group Art Unit: 2172

5. (Previously presented) A process according to claim 1, wherein directing the processor to store data on the data storage elements includes directing the processor to store data on each data storage element until each data storage element reaches data storage capacity.

6-11. (Cancelled)

12. (Currently amended) A method of storing data comprising:

detecting a condition representing a data storage capacity of at least one of at least two data storage elements;

based on the detected condition, determining whether at least one of the at least two data storage elements includes available data storage capacity; and,

based on whether at least one of the at least two data storage elements includes available data storage capacity, storing the data on the data storage element associated with an earliest time of storage, where storing the data on the data storage element associated with an earliest time of storage comprises:

comparing at least one time of storage associated with the at least two data storage elements; and

identifying the data storage element associated with the earliest time of storage.

13. (Previously presented) The method of claim 12, wherein storing the data on the data storage element associated with an earliest time of storage comprises:

associating at least one time of storage with the at least two data storage elements.

U.S.S.N. 09/465,436
Group Art Unit: 2172

14. (Cancelled) ~~The method of claim 12, wherein storing the data on the data storage element associated with an earliest time of storage comprises:~~

~~—comparing at least one time of storage associated with the at least two data storage elements; and~~

~~—identifying the data storage element associated with the earliest time of storage.~~

15. (Previously presented) The method of claim 12, further comprising:

based on whether at least one of the at least two data storage elements includes available data storage capacity, storing the data on the at least one data storage element including available data storage capacity.

16. (Previously presented) The method of claim 15, wherein storing the data on the at least one data storage element including available data storage capacity comprises:

storing the data on the at least one data storage element including available data storage capacity until the at least one data storage element reaches data storage capacity.

17-21. (Canceled)

22. (Currently amended) A processor program for storing data, the processor program being tangibly stored on a processor-readable medium and comprising instructions operable to cause a processor to:

detect a condition representing a data storage capacity of at least one of at least two data storage elements;

U.S.S.N. 09/465,436
Group Art Unit: 2172

based on the detected condition, determine whether at least one of the at least two data storage elements includes available data storage capacity; and,

based on whether at least one of the at least two data storage elements includes available data storage capacity, store the data on the data storage element associated with an earliest time of storage, where the instructions to store the data on the data storage element associated with an earliest time of storage comprise instructions to:

compare at least one time of storage associated with the at least two data storage elements; and,

identify the data storage element associated with the earliest time of storage.

23. (Previously presented) The processor program of claim 22, wherein the instructions to store the data on the data storage element associated with an earliest time of storage comprise instructions to:

associate at least one time of storage with the at least two data storage elements.

24. (Cancelled) ~~The processor program of claim 22, wherein the instructions to store the data on the data storage element associated with an earliest time of storage comprise instructions to:~~

~~— compare at least one time of storage associated with the at least two data storage elements;~~

~~and,~~

~~— identify the data storage element associated with the earliest time of storage.~~

U.S.S.N. 09/465,436
Group Art Unit: 2172

25. (Previously presented) The processor program of claim 22, further comprising instructions operable to cause a processor to:

based on whether at least one of the at least two data storage elements includes available data storage capacity, storing the data on the at least one data storage element including available data storage capacity.

26. (Previously presented) The processor program of claim 25, wherein the instructions to store the data on the at least one data storage element including available data storage capacity comprise instructions to:

store the data on the at least one data storage element including available data storage capacity until the at least one data storage element reaches data storage capacity.

27-28. (Cancelled)